

REMARKS

**Election/Restrictions**

Claims 1-18 remain in the application. Claim 5 has previously been cancelled. New claim 19 has been added to further describe the invention. Applicants have amended claims 1, 9, 12 and 14.

The Examiner is requiring restriction of the claims to one of the following claim groups:

- I. Claims 1-8
- II. Claims 9-10 (11?) and 13
- III. Claim 12
- IV. Claims 14-17
- V. Claim 18

Applicants elect Group I, but election is made with traverse for at least the reasons described below.

Claim 14 of Group IV has been amended to be dependent upon claim 1, thus incorporating the claims of Group IV into Group I and making any restriction requirement of Group IV moot.

Regarding Groups I, II and V, each of these Groups is described exactly the same by the Examiner as "drawn to a method of displaying changed manufacturing instructions, classified in class 700, subclass 105". Independent claims 1, 9 and 18 from each of the three Groups respectively, claim the same invention, but with varying scope. Thus, Applicants contend that there is no basis for the Examiner to allege that Groups I, II and V claim inventions which are distinct from each other. In fact, the Examiner offers no indication in the Office Action that Groups I, II and V are drawn to separate inventions and therefore subject to a restriction requirement. In the paragraphs on pages 2 and 3 of the Office Action, the Examiner compares Group III (system) to Groups I, II, IV and V (method), but does not even mention any comparison, or grounds for restriction, between any of Groups I, II, IV and V. Therefore, Applicants respectfully request that any restriction requirement

between Groups I, II, and V be withdrawn.

Regarding Group III, claim 12 as amended is a computing system which includes a controller for the purpose of performing the steps outlined in independent method claims 1, 9 and 18. Thus, contrary to the Examiner's statement that "the instructions may be sent directly to the machine without being displayed", claim 12 specifically claims that the controller is for displaying the changed manufacturing instructions, thus establishing the controller as being for the purpose of implementing the steps of the method claims. Applicants therefore respectfully request that any restriction requirement for Group III be withdrawn.

The Examiner has alleged that "Groups I, II, IV and V are considered to be each a separate species" in page 4 of the Office Action, and has required Applicants to elect a single disclosed species for prosecution on the merits. The Examiner has then stated that Group II is generic to all species.

Applicants contend that the Examiner's election of species is improper and that no true species have been defined. Therefore, Applicants cannot make an election under the guidelines that the Examiner has set forth in the Office Action. MPEP 806.04(e) is reproduced below to clearly indicate the error in the requirement of an election of species.

806.04(e) Claims Restricted to Species

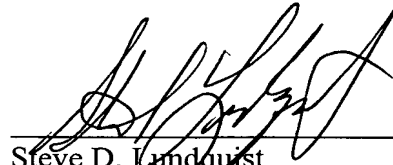
Claims are definitions of inventions. *Claims are never species.* Claims may be restricted to a single disclosed embodiment (i.e., a single species, and thus be designated a *specific species claim*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of definition (and thus be designated a *generic or genus claim*).

*Species are always the specifically different embodiments.*

Species are *usually* but not always independent as disclosed (see **MPEP § 806.04(b)**) since there is usually no disclosure of relationship therebetween. The fact that a genus for two different embodiments is capable of being conceived and defined, does not affect the independence of the embodiments, where the case under consideration contains no disclosure of any commonality of operation, function or effect.

Applicants respectfully request that the requirement that a species be elected be withdrawn as being improper in view of MPEP guidelines.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Steve D. Lundquist', is written over a horizontal line.

Steve D. Lundquist  
Registration No. 42,816  
Caterpillar Inc.

Telephone: (309) 675-4460  
Facsimile: (309) 675-1236